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EXAMINER	
STACE, BRENT S	

ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/699,259	PHAM ET AL.	
	Examiner	Art Unit	
	Brent S. Stace	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10/31/03

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on ~~*01 January 1947*~~ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/31/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. Claims 1-47 have been examined. Claims 1-47 have been rejected. This document is the first Office action on the merits.

Information Disclosure Statement

2. The information disclosure statement is being considered by the examiner.

Specification

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 332A,B of Fig. 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet

should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. Since the lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors, Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the drawings. For example, the drawings should be carefully checked to ensure that all reference numerals are described in the specification, that no one reference numeral describes two separate drawing elements, or that the specification contains no reference to numerals not in the drawings.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1-13, 20, 21, 24, and 25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-13, 20, 21, 24, and 25 do not have the result of creating SDK volumes. Some dependent claims correct the 35 U.S.C. 101 rejections of the claims above, however, their limitations are not incorporated into the above claims since they depend from the currently rejected

claims. The claims are rejected because they lack a useful, concrete, tangible result. Claims 27-29 and 34-37 share the same rejection as Claims 1-13, 20, 21, 24, and 25.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 1, 4-6, 8, 9, 14, 16, 17, 20-22, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,011,758 (Dockes et al.) in view of AAPA (Applicant Admitted Prior Art).

For **Claim 1**, Dockes teaches:

- "at least one normalized [Dockes, col. 16, lines 57-61] file storage server configured to store SDK component files of a plurality of SDK volumes; [Dockes, col. 4, lines 36-44 with Dockes, col. 6, lines 45-49] and
- a database configured to identify the SDK component files of each SDK volume" [Dockes, col. 8, lines 33-37].

Dockes discloses the above limitations but does not expressly teach: "A system for producing a software distribution kit (SDK) volume, the SDK volume being a computer-readable volume storing a plurality of SDK component files, comprising."

With respect to Claim 1, an analogous art, AAPA, teaches: "A system for producing a software distribution kit (SDK) volume, [AAPA, paragraphs [0002]-[0003] (Background) with Dockes, col. 16, lines 14-26] the SDK volume being a computer-readable volume storing a plurality of SDK component files, [AAPA, paragraphs [0002]-[0003] (Background) with Dockes, col. 7, lines 11-16] comprising."

It would have been obvious to one of ordinary skill in the art at the time of invention to combine AAPA with Dockes because both inventions are directed towards accessing data on a computer medium.

AAPA would have been expected to successfully work well with Dockes's invention because both inventions use computers with removable media. Dockes discloses a system and method for production of compact discs on demand comprising reading CD's, storing their information, and writing CD's, however Dockes does not expressly disclose that these CD's are other than audio CD's. AAPA discloses producing SDK volumes comprising SDK's.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the SDK's from AAPA and install it into the invention of Dockes, thereby offering the obvious advantage of writing not only audio data, but also computer data (such as SDKs) expanding the uses of Dockes onto different types of data. This makes a system with more features and more user-friendly. This also, coincidentally, meets the intended use of the claim.

Claim 4 can be mapped to Dockes (as modified by AAPA) as follows: "The system of claim 1, wherein: the database is configured to catalog the plurality of SDK volumes" [Dockes, col. 5, lines 12-18].

Claim 5 can be mapped to Dockes (as modified by AAPA) as follows: "The system of claim 4, wherein: the database configured to catalog the plurality of SDK volumes is stored on a different computer than the database configured to identify the SDK component files of each SDK volume" [Dockes, col. 6, lines 55-61 with Dockes, col. 7, lines 37-47].

Claim 6 can be mapped to Dockes (as modified by AAPA) as follows: "The system of claim 1, further comprising: a file extractor configured to copy SDK component files from a master SDK volume to at least one of the at least one normalized file storage server and add information identifying the copied SDK component files to the database" [Dockes, col. 7, lines 37-47 with Dockes, col. 4, lines 38-43 with Dockes, col. 2, lines 19-23 with Dockes, col. 11, lines 55-62].

Claim 8 can be mapped to Dockes (as modified by AAPA and Bates) as follows: "The system of claim 6, wherein: the master SDK volume is a compact disc (CD)" [Dockes, col. 4, lines 37-44].

Claim 9 can be mapped to Dockes (as modified by AAPA and Bates) as follows: "The system of claim 1, wherein the normalized file storage server is a replicating normalized file storage server" [Dockes, col. 6, lines 45-55 with Dockes, col. 4, lines 37-44].

Claim 14 can be mapped to Dockes (as modified by AAPA) as follows: "The system of claim 1, further comprising: an SDK builder executed by a computer other than the at least one normalized file storage server and configured to copy SDK component files of a selected one of the SDK volumes from one of the at least one normalized file storage server to a writeable computer-readable volume" [Dockes, col. 6, lines 60-64 with Dockes, col. 7, lines 12-16].

Claim 16 can be mapped to Dockes (as modified by AAPA) as follows: "The system of claim 14, wherein: the writeable computer-readable volume is a compact disc (CD)" [Dockes, col. 7, lines 12-16].

Claim 17 can be mapped to Dockes (as modified by AAPA) as follows: "The system of claim 14, wherein: the writeable computer-readable volume is removable" [Dockes, col. 7, lines 12-16].

Claim 20 can be mapped to Dockes (as modified by AAPA) as follows: "The system of claim 1, wherein:

- the SDK volume is one of a plurality of SDK volumes in an SDK volume set; [Dockes, col. 5, lines 12-18]
- the at least one normalized [Dockes, col. 16, lines 57-61] file storage server is configured to store SDK component files for each SDK volume of the SDK volume set; [Dockes, col. 4, lines 36-44 with Dockes, col. 6, lines 45-49] and
- the database is configured to identify each SDK volume of the SDK volume set" [Dockes, col. 8, lines 33-41 with Dockes, col. 8, lines 56-64].

Claim 21 can be mapped to Dockes (as modified by AAPA) as follows: "The system of claim 20, further comprising: a file extractor configured to, for each SDK volume of an SDK volume set, copy SDK component files from a master SDK volume to at least one of the at least one normalized file storage server and add information identifying the copied SDK component files to the database" [Dockes, col. 7, lines 37-47 with Dockes, col. 4, lines 38-43 with Dockes, col. 2, lines 19-23 with Dockes, col. 11, lines 55-62 with Dockes, col. 8, lines 56-64].

Claim 22 can be mapped to Dockes (as modified by AAPA) as follows: "The system of claim 20, further comprising: an SDK builder executed by a computer other than the at least one normalized file storage server and configured to, for each SDK volume of a selected SDK volume set, copy SDK component files of the SDK volume from one of the at least one normalized file storage server to a writeable computer-readable volume" [Dockes, col. 6, lines 60-64 with Dockes, col. 7, lines 12-16 with Dockes, col. 19, lines 14-35].

Claim 27 encompasses substantially the same scope of the invention as that of Claim 1, in addition to a system and some means for performing the system elements of Claim 1. Therefore, Claim 27 is rejected for the same reasons as stated above with respect to Claim 1.

11. Claims 2, 3, 7, 15, 23-26 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,011,758 (Dockes et al.) in view of AAPA (Applicant Admitted Prior Art), further in view of U.S. Patent No. 5,613,097 (Bates et al.).

For **Claim 2**, Dockes (as modified by AAPA) teaches: "The system of claim 1, wherein."

Dockes (as modified by AAPA) discloses the above limitation but does not expressly teach:

- "the at least one normalized file storage server is configured to store header information for ones of the plurality of SDK volumes; and
- the database is configured to identify header information for each SDK volume."

With respect to Claim 2, an analogous art, Bates, teaches:

- "the at least one normalized file storage server is configured to store header information for ones of the plurality of SDK volumes; [Bates, col. 6, lines 28-34 with Bates, Fig. 4 with Bates, col. 5, lines 40-50] and
- the database is configured to identify header information for each SDK volume" [Bates, col. 5, lines 37-50].

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Bates with Dockes (as modified by AAPA) because both inventions are directed towards cataloging media.

Bates's invention would have been expected to successfully work well with Dockes (as modified by AAPA)'s invention because both inventions use computers and a catalog database. Dockes (as modified by AAPA) discloses a system and method for production of compact discs holding SDKs on demand comprising reading CD's, storing their information, and writing CD's, however Dockes (as modified by AAPA) does not expressly disclose identifying or storing header information including a root directory. Bates discloses a method of cataloging removable media on a computer comprising cataloging header information including a root file.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the header information including a root directory from Bates and install it into the invention of Dockes (as modified by AAPA), thereby offering the obvious advantage of the database knowing the content of the media so that the media does not need to be inserted (unless needed) for the system to know what is on it.

Claim 3 can be mapped to Dockes (as modified by AAPA and Bates) as follows: "The system of claim 2, wherein: the header information includes a root directory for a corresponding one of the plurality of SDK volumes" [Bates, col. 6, lines 28-34 with Bates, Fig. 4 with Dockes, col. 11, lines 11-37].

For **Claim 7**, Dockes (as modified by AAPA) teaches: "The system of claim 6, wherein."

Dockes (as modified by AAPA) discloses the above limitation but does not expressly teach:

- "the file extractor is configured to copy header information from the master SDK volume to at least one of the at least one normalized file storage server and add information identifying the copied header information to the database."

With respect to Claim 7, an analogous art, Bates, teaches:

- "the file extractor is configured to copy header information from the master SDK volume to at least one of the at least one normalized file storage server and add information identifying the copied header information to the database" [Bates, col. 6, lines 28-34 with Bates, Fig. 4 with Bates, col. 5, lines 37-50 with Dockes, col. 8, lines 35-41 with Dockes, col. 11, lines 30-37].

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Bates with Dockes (as modified by AAPA) because both inventions are directed towards cataloging media.

Bates's invention would have been expected to successfully work well with Dockes (as modified by AAPA)'s invention because both inventions use computers and a catalog database. Dockes (as modified by AAPA) discloses a system and method for production of compact discs holding SDKs on demand comprising reading CD's, storing their information, and writing CD's, however Dockes (as modified by AAPA) does not expressly disclose identifying or storing header information including a root directory. Bates discloses a method of cataloging removable media on a computer comprising cataloging header information including a root file.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the header information including a root directory from Bates and install it into the invention of Dockes (as modified by AAPA), thereby offering the obvious advantage of the database knowing the content of the media so that the media does not need to be inserted (unless needed) for the system to know what is on it.

For **Claim 15**, Dockes (as modified by AAPA) teaches: "The system of claim 14, wherein."

Dockes (as modified by AAPA) discloses the above limitation but does not expressly teach: "the SDK builder is configured to copy header information of the selected one of the SDK volumes from one of the at least one normalized file storage server to the writeable computer-readable volume."

With respect to Claim 15, an analogous art, Bates, teaches:

- "the SDK builder is configured to copy header information of the selected one of the SDK volumes from one of the at least one normalized file storage server to the writeable computer-readable volume" [Bates, col. 6, lines 28-34 with Bates, Fig. 4 with Bates, col. 5, lines 37-50 with Dockes, col. 7, lines 12-16 with Dockes, col. 5, lines 54-67].

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Bates with Dockes (as modified by AAPA) because both inventions are directed towards cataloging media.

Bates's invention would have been expected to successfully work well with Dockes (as modified by AAPA)'s invention because both inventions use computers and

a catalog database. Dockes (as modified by AAPA) discloses a system and method for production of compact discs holding SDKs on demand comprising reading CD's, storing their information, and writing CD's, however Dockes (as modified by AAPA) does not expressly disclose identifying or storing header information including a root directory. Bates discloses a method of cataloging removable media on a computer comprising cataloging header information including a root file.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the header information including a root directory from Bates and install it into the invention of Dockes (as modified by AAPA), thereby offering the obvious advantage of the database knowing the content of the media so that the media does not need to be inserted (unless needed) for the system to know what is on it.

For **Claim 23**, Dockes (as modified by AAPA) teaches: "The system of claim 22, wherein."

Dockes (as modified by AAPA) discloses the above limitation but does not expressly teach:

- "the SDK builder is configured to, for each SDK volume of the selected SDK volume set, copy header information of the selected one of the SDK volumes from one of the at least one normalized file storage server to the writeable computer-readable volume"

With respect to Claim 23, an analogous art, Bates, teaches:

- "the SDK builder is configured to, for each SDK volume of the selected SDK volume set, copy header information of the selected one of the SDK volumes

from one of the at least one normalized file storage server to the writeable computer-readable volume" [Bates, col. 6, lines 28-34 with Bates, Fig. 4 with Bates, col. 5, lines 37-50 with Dockes, col. 7, lines 12-16 with Dockes, col. 5, lines 54-67 with Dockes, col. 7, lines 12-16 with Dockes, col. 19, lines 14-35].

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Bates with Dockes (as modified by AAPA) because both inventions are directed towards cataloging media.

Bates's invention would have been expected to successfully work well with Dockes (as modified by AAPA)'s invention because both inventions use computers and a catalog database. Dockes (as modified by AAPA) discloses a system and method for production of compact discs holding SDKs on demand comprising reading CD's, storing their information, and writing CD's, however Dockes (as modified by AAPA) does not expressly disclose identifying or storing header information including a root directory. Bates discloses a method of cataloging removable media on a computer comprising cataloging header information including a root file.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the header information including a root directory from Bates and install it into the invention of Dockes (as modified by AAPA), thereby offering the obvious advantage of the database knowing the content of the media so that the media does not need to be inserted (unless needed) for the system to know what is on it.

Claim 24 encompasses substantially the same scope of the invention as that of Claims 1-5. Therefore, Claim 24 is rejected for the same reasons as stated above with respect to Claims 1-5.

Claim 25 encompasses substantially the same scope of the invention as that of Claims 6 and 7. Therefore, Claim 25 is rejected for the same reasons as stated above with respect to Claims 6 and 7.

Claim 26 encompasses substantially the same scope of the invention as that of Claims 14 and 15. Therefore, Claim 26 is rejected for the same reasons as stated above with respect to Claims 14 and 15.

Claim 28 encompasses substantially the same scope of the invention as that of Claims 2 and 3, in addition to a system and some means for performing the system elements of Claims 2 and 3. Therefore, Claim 28 is rejected for the same reasons as stated above with respect to Claims 2-3.

Claim 29 can be mapped to Dockes (as modified by AAPA) as follows: "The system of claim 28, further comprising: means for copying header information and SDK component files from a master SDK volume to the means for storing header information and the means for storing SDK component files; means for adding information identifying the copied SDK component files to the means for identifying the SDK component files" [Dockes, col. 7, lines 37-47 with Dockes, col. 4, lines 38-43 with Dockes, col. 2, lines 19-23 with Dockes, col. 11, lines 55-62 with Bates, col. 6, lines 28-34 with Bates, Fig. 4 with Bates, col. 5, lines 37-50 with Dockes, col. 8, lines 35-41 with Dockes, col. 11, lines 30-37].

Claim 30 can be mapped to Dockes (as modified by AAPA) as follows: "The system of claim 29, further comprising: means for writing header information and SDK component files of a selected one of the SDK volumes from the means for storing header information and the means for storing SDK component files to a writeable computer-readable volume" [Dockes, col. 6, lines 60-64 with Bates, col. 6, lines 28-34 with Bates, Fig. 4 with Bates, col. 5, lines 37-50 with Dockes, col. 7, lines 12-16 with Dockes, col. 5, lines 54-67].

12. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,011,758 (Dockes et al.) in view of AAPA (Applicant Admitted Prior Art), further in view of U.S. Patent No. 6,205,40 (Kanome).

For **Claim 10**, Dockes (as modified by AAPA) teaches: "The system of claim 1, further comprising: a file extractor configured to copy SDK component files of a master SDK volume to at least one of the at least one normalized file storage server and add information identifying the copied SDK component files to the database" [Dockes, col. 7, lines 37-47 with Dockes, col. 4, lines 38-43 with Dockes, col. 2, lines 19-23 with Dockes, col. 11, lines 55-62].

Dockes (as modified by AAPA) discloses the above limitations but does not expressly teach: "from an image."

With respect to Claim 10, an analogous art, Kanome, teaches: "from an image" [Kanome, col. 3, lines 20-23 with Kanome, col. 7, lines 39-42].

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Kanome with Dockes (as modified by AAPA) because both inventions are directed towards computer using files, file systems and copying data.

Kanome's invention would have been expected to successfully work well with Dockes (as modified by AAPA)'s invention because both inventions use computers. Dockes (as modified by AAPA) discloses a system and method for production of compact discs holding SDKs on demand comprising reading CD's, storing their information, and writing CD's, however Dockes (as modified by AAPA) does not expressly disclose using disk images. Kanome discloses a computer system capable of restarting using a disk image of an arbitrary snapshot comprising disk images.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the disk images from Kanome and install it into the invention of Dockes (as modified by AAPA), thereby offering the obvious advantage of expanding the uses of Dockes onto different types of data (in this case, disk images being used). This makes a system with more features and more user-friendly.

Claim 12 can be mapped to Dockes (as modified by AAPA and Bates) as follows: "The system of claim 10, wherein: the master SDK volume is a compact disc (CD)" [Dockes, col. 4, lines 37-44].

13. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,011,758 (Dockes et al.) in view of AAPA (Applicant Admitted Prior Art) in

view of U.S. Patent No. 6,205,40 (Kanome), further in view of U.S. Patent No. 5,613,097 (Bates et al.).

For **Claim 11**, Dockes (as modified by AAPA and Kanome) teaches: "The system of claim 10, wherein."

Dockes (as modified by AAPA and Kanome) discloses the above limitation but does not expressly teach: "the file extractor is configured to copy header information from the image [Kanome, col. 3, lines 20-23 with Kanome, col. 7, lines 39-42] of the master SDK volume to at least one of the at least one normalized file storage server and add information identifying the copied header information to the database."

With respect to Claim 11, an analogous art, Bates, teaches: "the file extractor is configured to copy header information from the image [Kanome, col. 3, lines 20-23 with Kanome, col. 7, lines 39-42] of the master SDK volume to at least one of the at least one normalized file storage server and add information identifying the copied header information to the database" [Bates, col. 6, lines 28-34 with Bates, Fig. 4 with Bates, col. 5, lines 37-50 with Dockes, col. 8, lines 35-41 with Dockes, col. 11, lines 30-37].

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Bates with Dockes (as modified by AAPA and Kanome) because both inventions are directed towards cataloging media.

Bates's invention would have been expected to successfully work well with Dockes (as modified by AAPA and Kanome)'s invention because both inventions use computers and a catalog database. Dockes (as modified by AAPA and Kanome) discloses a system and method for production of compact discs holding SDKs on

demand comprising reading CD's, storing their information, and writing CD's, however Dockes (as modified by AAPA and Kanome) does not expressly disclose identifying or storing header information including a root directory. Bates discloses a method of cataloging removable media on a computer comprising cataloging header information including a root file.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the header information including a root directory from Bates and install it into the invention of Dockes (as modified by AAPA and Kanome), thereby offering the obvious advantage of the database knowing the content of the media so that the media does not need to be inserted (unless needed) for the system to know what is on it.

14. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,011,758 (Dockes et al.) in view of AAPA (Applicant Admitted Prior Art) in view of U.S. Patent No. 6,205,40 (Kanome), further in view of U.S. Patent No. 5,963,971 (Fosler et al.).

For **Claim 13**, Dockes (as modified by AAPA and Kanome) teaches: "The system of claim 10, wherein."

Dockes (as modified by AAPA and Kanome) discloses the above limitation but does not expressly teach:

- "the master SDK volume is a digital versatile disc (DVD)."

With respect to Claim 13, an analogous art, Fosler, teaches:

- "the master SDK volume is a digital versatile disc (DVD)" [Fosler, col. 5, lines 15-20].

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Fosler with Dockes (as modified by AAPA and Kanome) because both inventions are directed towards removable medium.

Fosler's invention would have been expected to successfully work well with Dockes (as modified by AAPA and Kanome)'s invention because both inventions use computers with removable medium. Dockes (as modified by AAPA and Kanome) discloses a system and method for production of compact discs holding SDKs on demand comprising reading CD's, storing their information, and writing CD's, however Dockes (as modified by AAPA and Kanome) does not expressly disclose DVD's. Fosler discloses a method and apparatus for handling audit requests of logical volumes in a virtual media server comprising DVD's.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the DVD's from Fosler and install it into the invention of Dockes (as modified by AAPA and Kanome), thereby offering the obvious advantage of expanding the uses of Dockes onto different types of media. This makes a system with more features and more user-friendly.

15. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,011,758 (Dockes et al.) in view of AAPA (Applicant Admitted Prior Art), further in view of U.S. Patent No. 5,920,725 (Ma et al.).

For **Claim 18**, Dockes (as modified by AAPA) teaches: "The system of claim 14, wherein."

Dockes (as modified by AAPA) discloses the above limitation but does not expressly teach: "the SDK builder is downloadable to the computer and configured to extend capabilities of a browser."

With respect to Claim 18, an analogous art, Ma, teaches: "the SDK builder is downloadable to the computer and configured to extend capabilities of a browser" [Ma, col. 1, lines 23-34].

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Ma with Dockes (as modified by AAPA) because both inventions are directed towards executing program(s) on a computer to do tasks.

Ma's invention would have been expected to successfully work well with Dockes (as modified by AAPA)'s invention because both inventions use computers doing work. Dockes (as modified by AAPA) discloses a system and method for production of compact discs holding SDKs on demand comprising reading CD's, storing their information, and writing CD's, however Dockes (as modified by AAPA) does not expressly disclose that the program writing CD's is an ActiveX controller downloaded to extend capabilities of a browser. Ma discloses a run-time object-synthesis and transparent client/server updating of distributed objects using a meta server of all object descriptors comprising ActiveX components (thin clients) on a browser.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the ActiveX and browser from Ma and install them into the invention of

Dockes (as modified by AAPA), thereby offering the obvious advantage of using the browser standards to easily distribute writing tasks to clients. This also ads the advantage of the ordering users themselves being able to write the CD's using the WEB ordering scheme of Dockes when the clients ordering are used as writing clients in Dockes (Dockes, col. 6, lines 25-31 with Dockes, col. 8, lines 18-21).

Claim 19 can be mapped to Dockes (as modified by AAPA and Ma) as follows: "The system of claim 18, wherein: the SDK builder is an ActiveX component" [Ma, col. 1, lines 23-34].

16. Claims 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,011,758 (Dockes et al.) in view of AAPA (Applicant Admitted Prior Art) in view of U.S. Patent No. 5,613,097 (Bates et al.), further in view of U.S. Patent No. 5,920,725 (Ma et al.).

For **Claim 31**, Dockes (as modified by AAPA and Bates) teaches: "The system of claim 30, wherein."

Dockes (as modified by AAPA and Bates) discloses the above limitation but does not expressly teach: "the means for writing is an ActiveX component."

With respect to Claim 31, an analogous art, Ma, teaches: "the means for writing is an ActiveX component" [Ma, col. 1, lines 23-34].

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Ma with Dockes (as modified by AAPA and Bates) because both inventions are directed towards executing program(s) on a computer to do tasks.

Ma's invention would have been expected to successfully work well with Dockes (as modified by AAPA and Bates)'s invention because both inventions use computers doing work. Dockes (as modified by AAPA and Bates) discloses a system and method for production of compact discs holding SDKs on demand comprising reading CD's, storing their information, and writing CD's, however Dockes (as modified by AAPA and Bates) does not expressly disclose that the program writing CD's is an ActiveX controller downloaded to extend capabilities of a browser. Ma discloses a run-time object-synthesis and transparent client/server updating of distributed objects using a meta server of all object descriptors comprising ActiveX components (thin clients) on a browser.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the ActiveX and browser from Ma and install them into the invention of Dockes (as modified by AAPA and Bates), thereby offering the obvious advantage of using the browser standards to easily distribute writing tasks to clients. This also ads the advantage of the ordering users themselves being able to write the CD's using the WEB ordering scheme of Dockes when the clients ordering are used as writing clients in Dockes (Dockes, col. 6, lines 25-31 with Dockes, col. 8, lines 18-21).

Claim 32 can be mapped to Dockes (as modified by AAPA, Bates, and Ma) as follows: "The system of claim 31, wherein: the writeable removable computer-readable volume is a compact disc (CD) " [Dockes, col. 7, lines 12-16].

Claim 33 can be mapped to Dockes (as modified by AAPA, Bates, and Ma) as follows: "The system of claim 31, wherein: the writeable removable computer-readable

volume is removable" [Dockes, col. 7, lines 12-16].

17. Claims 34, 36, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,011,758 (Dockes et al.) in view of AAPA (Applicant Admitted Prior Art), further in view of U.S. Patent No. 5,822,083 (Ito et al.).

For **Claim 34**, Dockes teaches:

- "for each of the plurality of SDK component files storing the SDK component file on the file storage server; [Dockes, col. 4, lines 36-44 with Dockes, col. 6, lines 45-49] and
- storing in a database information correlating the stored SDK component files with the SDK volume" [Dockes, col. 8, lines 33-41]

Dockes discloses the above limitations but does not expressly teach:

- "A method for producing a software distribution kit (SDK) volume, the SDK volume being a computer-readable volume storing a plurality of SDK component files, comprising"
- "if the SDK component file has not already been stored on a file storage server"

With respect to Claim 34, an analogous art, AAPA, teaches:

- "A method for producing a software distribution kit (SDK) volume, [AAPA, paragraphs [0002]-[0003] (Background) with Dockes, col. 16, lines 14-26] the SDK volume being a computer-readable volume storing a plurality of SDK component files, [AAPA, paragraphs [0002]-[0003] (Background) with Dockes, col. 7, lines 11-16] comprising"

With respect to Claim 34, an analogous art, Ito, teaches:

- "if the SDK component file has not already been stored on a file storage server" [Ito, col. 4, lines 13-19].

It would have been obvious to one of ordinary skill in the art at the time of invention to combine AAPA and Ito with Dockes because both inventions are directed towards accessing data on a computer medium.

AAPA and Ito would have been expected to successfully work well with Dockes's invention because both inventions use computers and files with removable media. Dockes discloses a system and method for production of compact discs on demand comprising reading CD's, storing their information, and writing CD's, however Dockes does not expressly disclose that these CD's are other than audio CD's and that information is not duplicated in Dockes upon data acquisition. AAPA discloses producing SDK volumes comprising SDK's. Ito discloses an image storing apparatus comprising not duplicating the storing of images.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the SDK's from AAPA and the non-duplication of previously stored files/images and install them into the invention of Dockes, thereby offering the obvious advantage of not storing duplicate files them removing them later with a background process (like Dockes does), but instead not storing them at all further saving storage of Dockes and another obvious advantage of writing not only audio data, but also computer data (such as SDKs) expanding the uses of Dockes onto different types of

data. This makes a system with more features and more user-friendly. This also, coincidentally, meets the intended use of the claim.

Claim 36 can be mapped to Dockes (as modified by AAPA and Ito) as follows: "The method of claim 34, wherein:

the SDK volume is one of a plurality of SDK volumes in an SDK volume set; [Dockes, col. 5, lines 12-18] and

further comprising:

storing in the database information about each SDK volume of the SDK volume set" [Dockes, col. 4, lines 36-44 with Dockes, col. 6, lines 45-49 with Dockes, col. 8, lines 33-41 with Dockes, col. 8, lines 56-64].

Claim 37 can be mapped to Dockes (as modified by AAPA and Ito) as follows: "The method of claim 34, further comprising: the stored SDK component files and the information correlating the stored SDK component files with the SDK volume header information on a second file storage server" [Dockes, col. 6, lines 56-59].

18. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,011,758 (Dockes et al.) in view of AAPA (Applicant Admitted Prior Art), in view of U.S. Patent No. 5,822,083 (Ito et al.), further in view of U.S. Patent No. 5,613,097 (Bates et al.).

For **Claim 35**, Dockes (as modified by AAPA and Ito) teaches: "The method of claim 34, further comprising:

- if header information about the SDK volume has not already been stored on the file storage server" [Ito, col. 4, lines 13-19].

Dockes (as modified by AAPA and Ito) discloses the above limitation but does not expressly teach:

- "storing the header information on the file storage server, wherein the header information includes a root directory for the SDK volume; and
- storing in the database information correlating the stored header information with the SDK volume."

With respect to Claim 35, an analogous art, Bates, teaches:

- "storing the header information on the file storage server, [Bates, col. 6, lines 28-34 with Bates, Fig. 4 with Bates, col. 5, lines 40-50] wherein the header information includes a root directory for the SDK volume; [Bates, col. 6, lines 28-34 with Bates, Fig. 4 with Dockes, col. 11, lines 11-37] and
- storing in the database information correlating the stored header information with the SDK volume" [Bates, col. 6, lines 28-34 with Bates, Fig. 4 with Bates, col. 5, lines 40-50 with Dockes, col. 8, lines 33-41].

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Bates with Dockes (as modified by AAPA and Ito) because both inventions are directed towards cataloging media.

Bates's invention would have been expected to successfully work well with Dockes (as modified by AAPA and Ito)'s invention because both inventions use computers and a catalog database. Dockes (as modified by AAPA and Ito) discloses a

system and method for production of compact discs holding SDKs on demand comprising reading CD's, storing their information, and writing CD's, however Dockes (as modified by AAPA and Ito) does not expressly disclose identifying or storing header information including a root directory. Bates discloses a method of cataloging removable media on a computer comprising cataloging header information including a root file.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the header information including a root directory from Bates and install it into the invention of Dockes (as modified by AAPA and Ito), thereby offering the obvious advantage of the database knowing the content of the media so that the media does not need to be inserted (unless needed) for the system to know what is on it.

19. Claims 38 and 44-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,011,758 (Dockes et al.) in view of AAPA (Applicant Admitted Prior Art), further in view of U.S. Patent No. 5,831,950 (Furukawa et al.).

For **Claim 38**, Dockes teaches:

"copying the plurality of SDK component files from a file storage server; [Dockes, col. 4, lines 36-44 with Dockes, col. 6, lines 45-49] and

writing to a writeable computer-readable volume" [Dockes, col. 6, lines 60-64 with Dockes, col. 7, lines 12-16].

Dockes discloses the above limitations but does not expressly teach: "A method for producing a software distribution kit (SDK) volume, the SDK volume being a computer-readable volume storing a plurality of SDK component files, comprising:

- creating an image of the SDK volume from the copied SDK component files;
- the image."

With respect to Claim 38, an analogous art, AAPA, teaches: "A method for producing a software distribution kit (SDK) volume, [AAPA, paragraphs [0002]-[0003] (Background) with Dockes, col. 16, lines 14-26] the SDK volume being a computer-readable volume storing a plurality of SDK component files, [AAPA, paragraphs [0002]-[0003] (Background) with Dockes, col. 7, lines 11-16] comprising:

- creating an image of the SDK volume from the copied SDK component files; [Furukawa, col. 1, lines 50-60]
- the image." [Furukawa, col. 1, lines 50-60].

It would have been obvious to one of ordinary skill in the art at the time of invention to combine AAPA and Furukawa with Dockes because both inventions are directed towards accessing data on a computer medium.

AAPA and Furukawa would have been expected to successfully work well with Dockes's invention because both inventions use computers with removable media. Dockes discloses a system and method for production of compact discs on demand comprising reading CD's, storing their information, and writing CD's, however Dockes does not expressly disclose that these CD's are other than audio CD's or that images are created prior to producing the CD. AAPA discloses producing SDK volumes

comprising SDK's. Furukawa discloses a writing system for recordable compact disc storing information of a writing operation comprising creating disc images for creating CD's.

It would have b een obvious to one of ordinary skill in the art at the time of invention to take the SDK's from AAPA and the images from Furukawa and install them into the invention of Dockes, thereby offering the obvious advantage of making sure writing begins when the data is prepared of Dockes (images) so that less potential error may happen and writing not only audio data, but also computer data (such as SDKs) expanding the uses of Dockes onto different types of data. This makes a system with more features and more user-friendly that is less prone to error. This also, coincidentally, meets the intended use of the claim.

Claim 44 can be mapped to Dockes (as modified by AAPA and Furukawa) as follows: "The method of claim 38, wherein: the SDK volume is one of a plurality of SDK volumes in an SDK volume set; [Dockes, col. 5, lines 12-18] and

further comprising: performing the copying, creating and writing for each SDK volume of the SDK volume set. [Dockes, col. 16, lines 20-29 with Furukawa, col. 1, lines 50-60].

Claim 45 can be mapped to Dockes (as modified by AAPA and Furukawa) as follows: "The method of claim 38, further comprising:

- sending information about the SDK volume to an SDK production server; and

  wherein:

- the copying, creating and writing are performed by the SDK production server" [Dockes, col. 19, lines 12-23 with Dockes, col. 7, lines 12-20 with Furukawa, col. 1, lines 50-60].

Claim 46 can be mapped to Dockes (as modified by AAPA and Furukawa) as follows: "The method of claim 38, wherein:

- the SDK volume is one of a plurality of SDK volumes in an SDK volume set; [Dockes, col. 5, lines 12-18] and further comprising:
- sending information about the SDK volume set to an SDK production server; and wherein:
- the copying, creating and writing are performed by the SDK production server for each SDK volume of the SDK volume set" [Dockes, col. 19, lines 12-23 with Dockes, col. 7, lines 12-20 with Dockes, col. 16, lines 20-29 with Furukawa, col. 1, lines 50-60].

Claim 47 can be mapped to Dockes (as modified by AAPA and Furukawa) as follows: "The method of claim 38, further comprising:

- sending the image of the SDK volume to an SDK production server; and wherein:
- the writing is performed by the SDK production server" [Dockes, col. 19, lines 12-23 with Dockes, col. 7, lines 12-20 with Furukawa, col. 1, lines 50-60].

20. Claims 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,011,758 (Dockes et al.) in view of AAPA (Applicant Admitted Prior

Art) in view of U.S. Patent No. 5,831,950 (Furukawa et al.), further in view of U.S. Patent No. 5,613,097 (Bates et al.).

For **Claim 39**, Dockes (as modified by AAPA and Furukawa) teaches: "The method of claim 38, further comprising."

Dockes (as modified by AAPA and Furukawa) discloses the above limitation but does not expressly teach:

- "copying header information for the SDK volume from the file storage server, wherein the header information includes a root directory for the SDK volume;
- and wherein the creating an image comprises:
- creating an image of the SDK volume from the copied header information and the copied SDK component files."

With respect to Claim 39, an analogous art, Bates, teaches:

- "copying header information for the SDK volume from the file storage server, [Bates, col. 6, lines 28-34 with Bates, Fig. 4 with Bates, col. 5, lines 40-50 with Dockes, col. 7, lines 12-16] wherein the header information includes a root directory for the SDK volume; [Bates, col. 6, lines 28-34 with Bates, Fig. 4 with Dockes, col. 11, lines 11-37]
- and wherein the creating an image comprises:
- creating an image of the SDK volume from the copied header information and the copied SDK component files" [Bates, col. 6, lines 28-34 with Bates, Fig. 4 with Bates, col. 5, lines 40-50 with Furukawa, col. 1, lines 50-60].

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Bates with Dockes (as modified by AAPA and Furukawa) because both inventions are directed towards cataloging media.

Bates's invention would have been expected to successfully work well with Dockes (as modified by AAPA and Furukawa)'s invention because both inventions use computers and a catalog database. Dockes (as modified by AAPA and Furukawa) discloses a system and method for production of compact discs holding SDKs on demand comprising reading CD's, storing their information, and writing CD's, however Dockes (as modified by AAPA and Furukawa) does not expressly disclose identifying or storing header information including a root directory. Bates discloses a method of cataloging removable media on a computer comprising cataloging header information including a root file.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the header information including a root directory from Bates and install it into the invention of Dockes (as modified by AAPA and Furukawa), thereby offering the obvious advantage of the database knowing the content of the media so that the media does not need to be inserted (unless needed) for the system to know what is on it.

Claim 40 can be mapped to Dockes (as modified by AAPA, Furukawa, and Bates) as follows: "The method of claim 39, wherein: the writeable computer-readable volume is a compact disc (CD)" [Dockes, col. 7, lines 12-16].

Claim 41 can be mapped to Dockes (as modified by AAPA, Furukawa, and Bates) as follows: "The method of claim 39, wherein: the writeable computer-readable volume is removable" [Dockes, col. 7, lines 12-16].

For **Claim 42,** Dockes (as modified by AAPA, Furukawa, and Bates) fails to teach selecting the file storage server based on a location of the file storage server. Official Notice is taken that it is old and well known in the client/server to get the advantage of downloading faster files by selecting the file storage server based on a location of the file storage server. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the selecting the file storage server based on a location of the file storage server to get this advantage.

21. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,011,758 (Dockes et al.) in view of AAPA (Applicant Admitted Prior Art) in view of U.S. Patent No. 5,831,950 (Furukawa et al.), further in view of U.S. Patent No. 5,920,725 (Ma et al.).

For **Claim 43**, Dockes (as modified by AAPA and Furukawa) teaches: "The method of claim 38, further comprising."

Dockes (as modified by AAPA and Furukawa) discloses the above limitation but does not expressly teach: "downloading an SDK builder that performs the copying and creating."

With respect to Claim 43, an analogous art, Ma, teaches: "downloading an SDK builder that performs the copying and creating" [Ma, col. 1, lines 23-34 with Dockes, col. 16, lines 20-29 with Furukawa, col. 1, lines 50-60].

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Ma with Dockes (as modified by AAPA) because both inventions are directed towards executing program(s) on a computer to do tasks.

Ma's invention would have been expected to successfully work well with Dockes (as modified by AAPA)'s invention because both inventions use computers doing work. Dockes (as modified by AAPA) discloses a system and method for production of compact discs holding SDKs on demand comprising reading CD's, storing their information, and writing CD's, however Dockes (as modified by AAPA) does not expressly disclose that the program writing CD's is an ActiveX controller downloaded to extend capabilities of a browser. Ma discloses a run-time object-synthesis and transparent client/server updating of distributed objects using a meta server of all object descriptors comprising ActiveX components (thin clients) on a browser.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the ActiveX and browser from Ma and install them into the invention of Dockes (as modified by AAPA), thereby offering the obvious advantage of using the browser standards to easily distribute writing tasks to clients.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is advised that, although not used in the rejections above, prior art cited on the PTO-892 form and not relied upon is considered materially relevant to the applicant's claimed invention and/or portions of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent S. Stace whose telephone number is 571-272-8372 and fax number is 571-273-8372. The examiner can normally be reached on M-F 9am-5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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